



State of New Jersey
Department of Environmental Protection
GOVERNMENT RECORDS REQUEST FORM



IMPORTANT NOTICE
Please read this entire form carefully as it contains important information concerning the response to your record request, accessing records, disputing denials, and your rights concerning government records. For further information, access WWW.NJ.GOV/DEP/OPRA.

Requestor Information

First Name:	CAROLINE	MI	Last Name	HASKINS
Company:	MUCKROCK NEWS			
Mailing Address:	411A HIGHLAND AVE DEPT MR 66432			
City:	Somerville	State:	MA	Zip: 02144 Email:
Business Telephone:	(<NONE FOUND>) -			Extension
Facsimile Telephone:	() -			

State Use Only

Tracking #	241756
Received Date	12/24/2018
Access Method	On-site access, visit, copy
All matters relating to the response and access of any records identified for this request should be directed to: NJDEP - Office of Record Access 401 East State Street PO Box 420 Mail Code 401-06Q Trenton, New Jersey 08625-0420 Tele #: (609) 341-3121 Fax #: (609) 292-1177	

Record Request Details:

[E-mail address is too long to fit into e-mail field, correct E-mail address = 66432-08200196@requests.muckrock.com] I request all reports, evaluations, test results, proposed testing, and related materials regarding water supplies and usage in Newark, New Jersey, created since January 1, 2017. Please conduct keyword searches for "lead," "poison," and "heavy metal." The requested documents will be made available to the general public, and this request is not being made for commercial purposes. It will be used in the course of reporting for Motherboard, VICE's science and technology website (www.motherboard.vice.com). The requested documents will be made available to the general public, and this request is not being made for commercial purposes. In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 7 business days, as the statute requires. [Please see Digital File inventory for full request details]

Disposition Notes

This request has been denied pursuant to N.J.S.A. 47:1A-1. See Addendum
Disposition Notes below for further information.

Record Request Response

In Progress	-	Open
Filled	-	Closed
Denied	-	Closed
Partial	-	Closed

x

Addendum Disposition Notes: Please be advised that the request for "all reports, evaluations, test results, proposed testing, and related materials regarding water supplies and usage in Newark" ... "since January 1, 2017" is overbroad and improper as it does not define specific records. Government agencies are required to disclose identifiable government records that are specifically described in the OPRA request. See N.J.S.A. 47:1A-1 and -1.1. OPRA does not permit open-ended searches of agency files, nor does the law allow a request for every document an agency has on file on a specific subject matter. OPRA also does not require government agencies to conduct research in order to respond to a request for records. See, for e.g., *MAG Entertainment LLC v Div of Alcoholic Bev Control*, 375 NJ Super 534, 549 (App Div. 2005); *Bent v Twp Of Stafford*, 381 NJ Super 30, 37 (App Div 2005); *Gannett NJ Partners v Middlesex*, 379 NJ Super 205, 212 (App Div 2005), which address the principles stated above.

Matthew J. Cooper

Custodian Signature

01/03/2019

Date

Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

Information Regarding the Requested Records

If your request is in reference to a single facility, please provide the name of the facility, and the name of the operator name of the facility:	Facility Name: City of Newark	
Please provide the owner name the facility or parcel of land:	Operator Name:	
If your request is in reference to a specific parcel of land, please provide the street address, block, lot and property owner of the parcel of land: (Note: if the property in question is over multiple blocks and lots, please list all in the description field below)	Owner Name:	
If your request is in reference to a facility, site or parcel of land, please provide the Municipality and County where the facility, site or parcel of land is located:	Street Address 1:	Street Address 2:
	Block: Lot:	
	County: Essex	
	Municipality: Newark	
If the request is in reference to a particular permit issued by NJDEP, please provide the type of permit and any identifying numbers such as permit, incident or case numbers. (i.e. Fishing, Hunting, Hazardous Waste, Solid Waste, Land Use, NJPDES, Pesticides, Stream Encroachment, TWA, UST, Water Allocation)	List Permit Type:	List ID Numbers:
If your request is in reference to an individual, please provide the individual's name and type, and if the individual is a DEP employee, your relationship with the individual:	Individual's name:	
	Type of Individual:	
	Relationship:	
If the an individual was specified above, the individual was DEP Licensed, please specify the license type the individual holds:	License Type:	

The New Jersey Department of Environmental Protection has responded to your submitted Open Public Records Act (OPRA) record request. The following information will help you understand the response and your next available actions.

Tracking #: This is the Department's assigned Tracking # to your OPRA record request, which should be used in all corresponding matters.

Record Request Response:

- **In Progress** – Based on the nature of the request, the records sought, and/or the manner to which the records may exists, the Department requires additional time to investigate and respond to the request.
- **Filled** – Based on the information provided in your request, the Department was able to investigate and respond to your record request.
- **Denied** – Based on the nature of the request and/or the records sought, the Department has denied your request pursuant to a specific exemption(s) cited in N.J.S.A. 47:1A-1 seq.
- **Partial** – The Department has identified both responsive government records and records being denied based on the nature of the request and/or the records sought, that do not meet the definition of a government record pursuant to a specific exemption(s) cited in N.J.S.A. 47:1A-1 seq.

Disposition Notes: Provides detailed information concerning the Department's response to your request.

Accessing Records: Dependent on the volume of records and your interest, there are five (5) methods available to access the responsive government records:

- **File Review** – Schedule a file review with the Department to directly access the records and take notes or tag records of interest for copying. Copying can be performed by either the Department's onsite Copying Unit at State duplication fee costs or by the requester employing a Copy Vendor Service. If there are records stored in archives, a five-day processing period will be included prior to scheduling a review.
- **Copy Request** – All records of interest will be copied by the Department's onsite Copying Unit at State duplication fee costs unless a Copy Vendor Service is employed.
- **Electronic Records Request** – Dependent on the size & nature of the e-records, the Department will email the records or provide a CD or DVD.
- **Fax Request** – Based on the number of pages, the Department faxes the responsive records.
- **Web Access** – The responsive records can be access directly through the Department's web site. Web address will be provided.

Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

1. The fees for duplication of a government record are specified below. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by check or money order payable to the State of New Jersey and mailed to the address specified below.

Hard Copies:

Letter & Legal size = \$0.05 per page
Oversized Maps (Color) = \$5.00 per map
Oversized Maps (B&W) = \$3.00 per map

Electronic Records: CDs = \$0.55 per CD
DVDs = \$0.55 per DVD

2. Pursuant to OPRA (C.47:1A-5c & C.47:1A-5d), the Department will apply special service charge for any extraordinary expenditure of time and effort to accommodate a request. The special service charge will be based on the actual direct cost of providing the records. The requester shall have the opportunity to review and object to the charge prior to it being incurred; however, in the event the requester objects to the special service charge, the request will be closed and access to the records will not be granted.
3. By law, the Department must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
4. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
5. If the Department was unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form.
6. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
7. **Resolution of Disputed Findings:**

In the event that a requester does not agree with the Department's record response, the requester should:

No Records - Reexamined the request details to evaluate if all of the information was provided that could aid the Department in locating records. The Department's ability to identify records of interest is in direct correlation to matching the Department information with the information provided on the request. Such important identifiers are Facility/Site Name, Address, Case #, Permit #, Block/Lot.

Denial - If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the Department to deny access. The Department denies access to records only when those records do not meet the definition of a government record and/or public access is not allowed pursuant to the law. At your option, you may either:

- Contact the Office of Record Access to re-visit the matter or provide further explanation.
- Institute a proceeding in the Superior Court of New Jersey

c. File a complaint in writing with the Government Records Council (GRC). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also respond to other questions about the law.

8. Information provided on this form may be subject to disclosure under the Open Public Records Act.

Revised Addendum Disposition Notes: NONE